

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD C. DAVIDSON,
Petitioner,

v.

ERIC ARNOLD,
Respondent.

Case No. [16-cv-03298-JCS](#) (PR)

ORDER OF DISMISSAL

Petitioner has failed to comply with the Court's order (1) to file an application to proceed *in forma pauperis* ("IFP"), or (2) pay the full filing fee of \$5.00. Accordingly, the action is DISMISSED without prejudice for failing to respond to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b).¹

Because this dismissal is without prejudice, petitioner may move to reopen the action. Any such motion **must** contain (1) a complete IFP application; **or** (2) full payment for the filing fee of \$5.00.

The Clerk shall enter judgment in favor of respondent, and close the file.

IT IS SO ORDERED.

Dated: July 26, 2016


JOSEPH C. SPERO
Chief Magistrate Judge

¹ Petitioner consented to magistrate judge jurisdiction. (Docket No. 2.) The magistrate judge, then, has jurisdiction to decide this motion, even though respondent has not been served or consented to magistrate judge jurisdiction. *See Neals v. Norwood*, 59 F.3d 530, 532 (5th Cir. 1995)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICHARD C. DAVIDSON,
Plaintiff,

v.

ERIC ARNOLD,
Defendant.

Case No. [16-cv-03298-JCS](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 26, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Richard C. Davidson ID: AK4986
California State Prison-Solano
P.O. Box 4000
Vacaville, CA 95696

Dated: July 26, 2016

Susan Y. Soong
Clerk, United States District Court

By: Karen L. Hom
Karen Hom, Deputy Clerk to the
Honorable JOSEPH C. SPERO

United States District Court
Northern District of California